



FILE COPY



**Wichita-Sedgwick County Metropolitan Area Planning Department**

December 4, 2020

2.0 LLC  
P.O. Box 554  
Andover, KS 67002-0554

Nathan Farha  
435 S. Broadway  
Wichita, KS 67202

**RE: CON2020-00035:** City Conditional Use for Vehicle Sales in Limited Commercial zoning, Generally located at the Northeast Corner of South Hillside Avenue and East 31st Street South (3164 S. Hillside).

Dear Applicants:

At its regular meeting on **November 5, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request with the following conditions:

The following conditions shall apply:

- 1) The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
- 2) Because the UZC's definition of "vehicle repair limited" does not allow the outside repair or maintenance services of vehicles none shall be conducted on the site, unless a building is provided for this activity; UZC. Art. II, Sec.II-B.14.i. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. No outside storage of parts, including tires, oil containers or any similar type of receptacles for new or used petroleum products.
- 3) All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, clearly marked customer and employee parking and the display area, proposed lighting and a solid fenced trash receptacle area.
- 4) The applicant shall submit a scaled revised site plan for review and approval by the Planning Director, prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open during hours of operation to allow access, screening along the south property line as required by the Landscape Ordinance, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting, landscaping plan along the south property line and location of a fenced trash receptacle. The site will be developed according to the revised site plan.

- 5) The selling of vehicles is subject to the supplemental use regulations of UZC Section III D. 6. X. pertaining to vehicle and equipment sales in the LC zoning district.
- 6) A conditional use amendment shall be required for any changes to these conditions.
- 7) Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC. No vehicles for sale shall be displayed in required off-street parking spaces. No parking is allowed on unpaved surfaces on the lot.
- 8) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

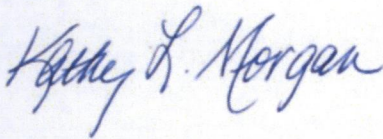
If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on December 17, 2020. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by December 17, 2020 at 5:00 p.m.

If there are no protests, the action of the Metropolitan Area Planning Commission is final.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,



Kathy L. Morgan, Senior Planner  
Current Plans Division

Copies to: MABCD  
James Clendenin, CM District III  
Maddy Campbell, CSR, District III  
Cindy Houston, Garten's Associated Music Services, 4235 W. Central, Wichita, KS 67212

## CONDITIONAL USE RESOLUTION NO. CON2020-00035

**WHEREAS**, 2.0 LLC (Owners) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow vehicle and equipment sales on LC Limited Commercial zoned property; generally located on the northeast corner of South Hillside Avenue and East 31<sup>st</sup> Street South described as:

Lot 2, except the South 10 feet of the East 8 feet thereof, Quiktrip 4th Addition, Wichita, Sedgwick County, Kansas

### SUBJECT TO THE FOLLOWING CONDITIONS:

The following conditions shall apply:

1. The Conditional Use shall be limited to the sales of cars and pick-up (light) trucks. No sale or rental of trailers, boats, motorcycles/scooters, recreational vehicles or trucks larger than pick-ups are permitted. All conditions of the Unified Zoning Code, Section III-D.6.x, outdoor vehicle and equipment sales shall be in effect.
2. Because the UZC's definition of "vehicle repair limited" does not allow the outside repair or maintenance services of vehicles none shall be conducted on the site, unless a building is provided for this activity; UZC. Art. II, Sec.II-B.14.i. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. No outside storage of parts, including tires, oil containers or any similar type of receptacles for new or used petroleum products.
3. All improvements to the property must be finished before car sales is permitted. Those improvements shall include, but not limited to, clearly marked customer and employee parking and the display area, proposed lighting and a solid fenced trash receptacle area.
4. The applicant shall submit a scaled revised site plan for review and approval by the Planning Director, prior to the selling of any cars or light trucks. The site plan will include, but not be limited to, internal circulation that will remain open during hours of operation to allow access, screening along the south property line as required by the Landscape Ordinance, area designated for display of cars, customer and employee parking, any existing or proposed signs, existing or proposed lighting, landscaping plan along the south property line and location of a fenced trash receptacle. The site will be developed according to the revised site plan.
5. The selling of vehicles is subject to the supplemental use regulations of UZC Section III D. 6. X. pertaining to vehicle and equipment sales in the LC zoning district.
6. A conditional use amendment shall be required for any changes to these conditions.
7. Off-street parking spaces shall be provided in accordance with Article IV, Sec. IV-A of the UZC. No vehicles for sale shall be displayed in required off-street parking spaces. No parking is allowed on unpaved surfaces on the lot.
8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.

If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of December 3, 2020, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for Limited Used Auto Sales on LC Limited Commercial zoned property described as:

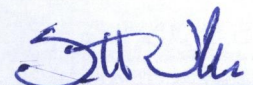
Lot 2, except the South 10 feet of the East 8 feet thereof, Quiktrip 4th Addition, Wichita,  
Sedgwick County, Kansas

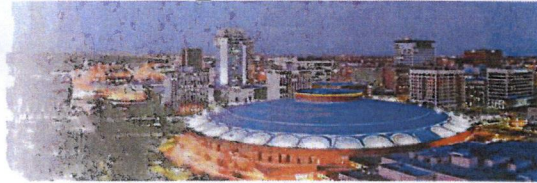
Adopted this 3rd Day of December 2020

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
Michael C. Greene, Chair MAPC

ATTEST:

  
\_\_\_\_\_  
Scott Wadle, Secretary



## AFFIDAVIT OF PUBLICATION

| Account # | Ad Number  | Identification | PO         | Amount  | Cols | Depth    |
|-----------|------------|----------------|------------|---------|------|----------|
| 453868    | 0004805010 |                | OCA 150004 | \$84.00 | 1    | 10.00 In |

**Attention:** Betsy Pagán

CITY OF WICHITA/PLANNING DEPT  
271 WEST THIRD ST., 2ND FL, SU 203  
WICHITA, KS 67202

In The STATE OF KANSAS  
In and for the County of Sedgwick  
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 11/12/2020

Ending issue of: 11/12/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

VICTORIA RODELA, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 11/12/2020 to 11/12/2020.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*V Rodela*

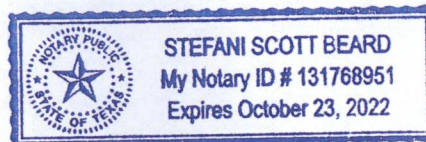
Signature of Principal Clerk

DATED: 11/10/2020

*Stefani Scott Beard*

Notary Public, Dallas County, Texas

Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



## LEGAL PUBLICATION

OCA 158004

PUBLISHED IN THE WICHITA EAGLE  
ON NOVEMBER 12, 2020 (4805010)  
(ONE TIME ONLY)

### MAPC/BZA December 3, 2020 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, December 3, 2020 no earlier than 1:30 p.m.**, the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

**CON2020-00034** City Conditional Use for an AT&T Communications Tower on property zoned LI Limited Industrial and generally located one block north of East 13th Street North and on the west side of North Santa Fe (625 E 14th Street North).

**CON2020-00035** City Conditional Use for Vehicle Sales in Limited Commercial zoning, Generally located at the Northeast Corner of South Hillside Avenue and East 31st Street South (3164 S. Hillside).

**VAC2020-00045** City Vacation of platted building setback for room addition on property zoned SF-5 generally located 3 blocks north of West Pawnee Avenue and 5 blocks west of South Maize Road (11105 West Grant Street).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of theWichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

**PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:**

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

#### Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 3pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

|                 |                                                                                                                                                    |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Email           | BPagan@wichita.gov                                                                                                                                 |
| Mailing Address | Wichita-Sedgwick County<br>Metropolitan Area Planning<br>Department Attn: <b>Scott Wadle</b><br>271 W. 3rd Street - Suite 201<br>Wichita, KS 67202 |
| Phone           | 316.268.4421                                                                                                                                       |
| Fax             | 316.587.764                                                                                                                                        |

#### Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3172

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

#### Attend a Virtual Connection Site In-Person

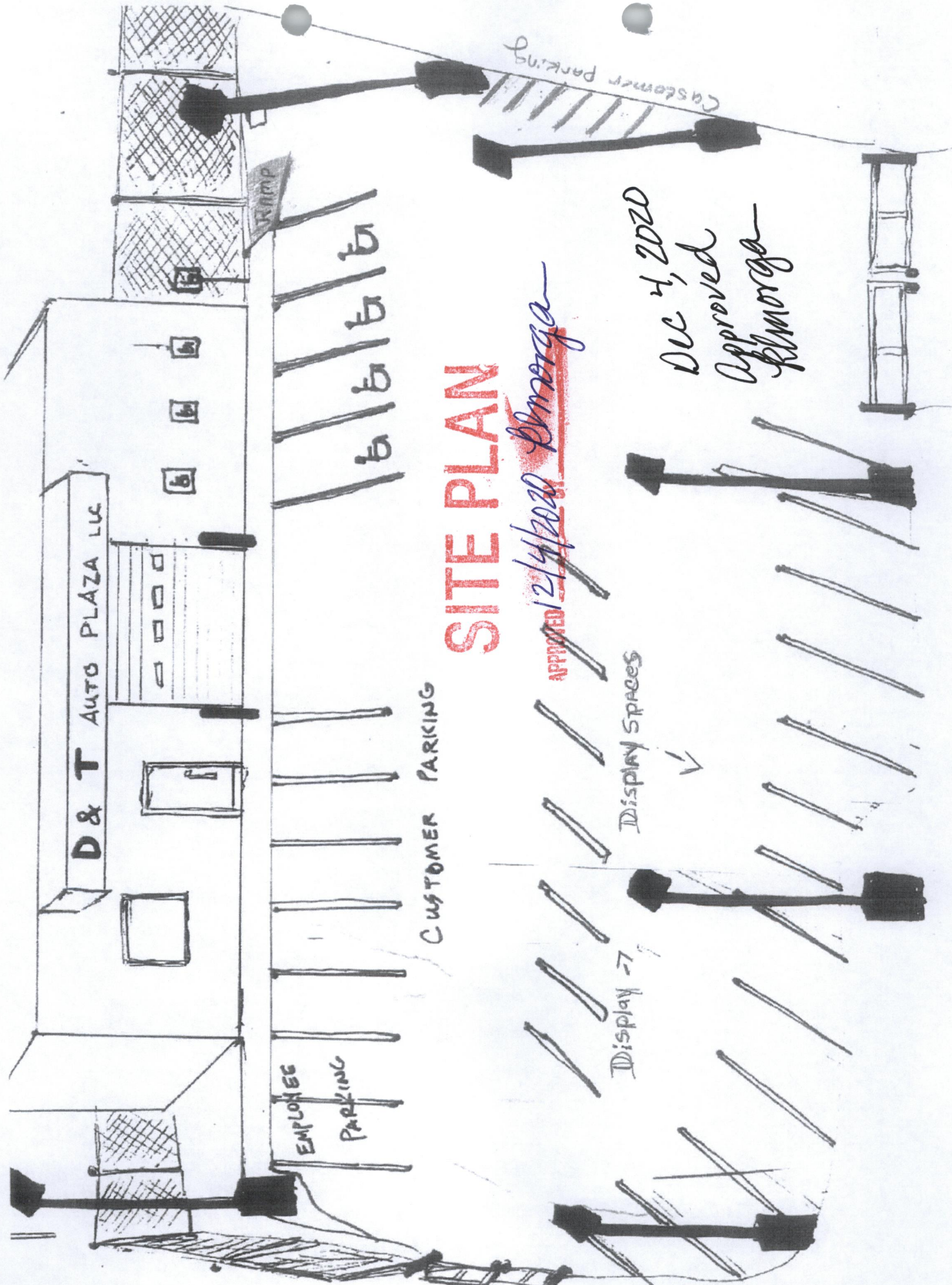
You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on November 9, 2020

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission



# SITE PLAN

APPROVED

12/4/2020 Dmorga

DEC 4, 2020  
Approved  
Dmorga

D & T AUTO PLAZA LLC

RAMP

EMPLOYEE  
PARKING

CUSTOMER PARKING

Display Spaces

Display